

**1:14cv57**

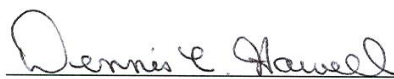
## Defendants.

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manner as Plaintiffs having no opposition to the motion, conceding the merits of the motion, and consenting to the dismissal of the claims the defendant moves to dismiss.

(Order, Apr. 28, 2014.) Plaintiffs did not respond to the Motion to Dismiss [# 25] as directed by the Court. Moreover, Plaintiffs did not respond to the subsequently filed Motion to Dismiss [# 44]. Pursuant to this Court's prior Order, the Court deems Plaintiffs to concede the legal merits of the arguments set forth in Defendants' motions and to consent to the dismissal of Count Four of the Amended Complaint. Accordingly, the Court **RECOMMENDS** that the District Court **GRANT** the Motions to Dismiss [# 25 & # 41] and **DISMISS** the claims asserted against Defendants Cyprus Amax Minerals Company and Red Devil, Inc. in Count Four of the Amended Complaint.

Signed: May 15, 2014

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Dennis L. Howell  
United States Magistrate Judge



### **Time for Objections**

The parties are hereby advised that, pursuant to 28, United States Code, Section 636(b)(1)(C), and Rule 72, Federal Rules of Civil Procedure, written objections to the findings of fact, conclusions of law, and recommendation contained herein must be filed within **fourteen (14)** days of service of same.

**Responses to the objections must be filed within fourteen (14) days of service of the objections.** Failure to file objections to this Memorandum and Recommendation with the district court will preclude the parties from raising such objections on appeal. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986); United States v. Schronce, 727 F.2d 91 (4th Cir.), cert. denied, 467 U.S. 1208 (1984).